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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,518	03/11/2004	Paul Gait	N1016	7246

23456 7590 04/25/2005

WADDEY & PATTERSON
414 UNION STREET, SUITE 2020
BANK OF AMERICA PLAZA
NASHVILLE, TN 37219

EXAMINER

WELCH, GARY L

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,518

Applicant(s)

GAIT, PAUL

Examiner

Gary L. Welch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06072004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the lines and numbering are not uniform thickness and the shading is too dark (refer to figures 2 and 3 as examples). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "14" has been used to designate both "longitudinal axis" (page 7, line 11) and "hand portion" (page 7, line 13). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: It appears that the following corrections are required:

Page 9, line 14: Change "arraigned" to --arranged--

Page 10, line 13: Change "40" to --48--

Appropriate correction is required.

Claim Rejections - 35 USC § 102

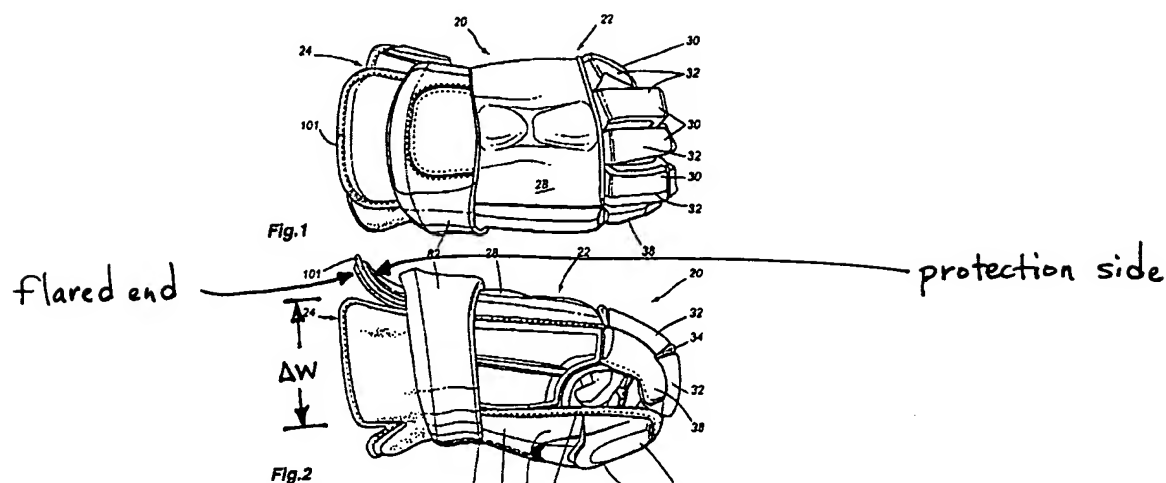
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Beland et al. (U.S. 6,543,057).

Beland et al. discloses a protective sports glove 20 having a longitudinal axis, a hand portion 22 including a palm section 26 and back section 28, a plurality of finger portions 30 extending from the hand portion, a thumb portion 42 extending from the hand portion proximate to the finger portions and a cuff portion 24 attached to the hand portion distal from the finger and thumb portions. The cuff portion 24 includes a plurality of protection sections (101-104) extending from the hand portion and aligned substantially parallel with the longitudinal axis.



With regard to claims 2, 16 and 20, each protection section (101-104) includes a width whereby the width increases as each protection section extends away from the hand portion.

With regard to claim 3, each protection section (101-104) includes contoured sides.

With regard to claim 4, each protection section (101-104) includes a length and a plurality of sides wherein at least one side of the protection section is coterminous with at least one side of an adjacent protection section.

With regard to claim 5, at least one side of each protection section (101-104) is coterminous with at least one side of an adjacent protection section along a majority of the length of each protection section.

With regard to claims 6, 15 and 19, each protection section (101-104) includes a protection side and a flared end bent towards the protection side.

With regard to claims 7 and 21, each protection section (101-104) is pivotally attached to the adjacent protection section.

With regard to claim 8, each protection section (101-104) is elastically attached to each adjacent protection section.

With regard to claims 9 and 12, the plurality of protection sections (101-104) is arcuately aligned.

With regard to claims 10 and 24, a wrist portion 82 engages the hand portion and the cuff portion wherein the wrist portion substantially covers the attachment between the hand portion and the cuff portion, the back section of the hand portion includes a plurality of protective elements and each finger portion includes a grip section and a back section. The back section has a plurality of protective elements.

With regard to claims 11 and 18, the invention is disclosed in one or more of the above rejected claims.

With regard to claim 13, the plurality of protection sections (101-104) substantially conforms to the shape of the forearm of the user.

With regard to claim 14, the protection sections (101-104) are elongated in shape.

With regard to claims 17 and 23, each protection section (101-104) is substantially bell shaped.

With regard to claim 22, there are four protection sections (101-104).

With regard to claim 25, each protection section (101-104) is aligned substantially parallel with the forearm of the user.

Conclusion

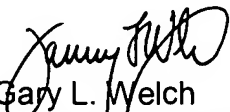
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wilder et al. '615, Tirinen '359 and Sauriol '720 disclose a hockey glove having a cuff portion, wrist portion, a plurality of finger sections having a plurality of protection sections and a back section having a plurality of protection sections. Gould '127 discloses a ball glove having a cuff portion having protection sections connected to one another via elastic means. MacDonald '123 discloses a protective glove having a cuff section comprising a plurality of protection sections that are coterminous with one another.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary L. Welch
Primary Examiner
Art Unit 3765

glw